

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

NAYELI DELGADO-GUTIERREZ, as)	
Special Administrator of the Estate of Carlos)	
Garcia, Deceased,)	
)	Case No. 15-cv-07167
Plaintiff,)	
)	Judge: Sharon Coleman
)	
v.)	
)	Magistrate Judge: Daniel G. Martin
PROFESSIONAL TRANSPORTATION, INC.,))	
UNITED LEASING, LLC, JB SEEBOTH,)	
LLC d/b/a AFFORDABLE CAR AND)	
MARINE CARE & RANDALL L. BURRELL,)	
)	
Defendants.)	

**PETITION TO APPROVE
WRONGFUL DEATH SETTLEMENT & DISTRIBUTION**

NOW COMES the Plaintiff, Nayeli Delgado-Gutierrez, as Special Administrator of the Estate of Carlos Garcia, deceased, by and through her attorneys, Levinson and Stefani, and respectfully moves this Honorable Court to approve the distribution of settlement proceeds and attorney fees of the above referenced matter. In support of this Motion the Plaintiff states as follows:

1. This matter arose out of the alleged wrongful death of Carlos Garcia, which the Plaintiff alleged was due to the negligent conduct of the Defendants, Professional Transportation, Inc. (“Professional”), United Leasing, LLC (“United”), Randall L. Burrell (“Burrell”), and JB Seeboth, LLC d/b/a Affordable Car and Marine Care (“JB Seeboth”). The Circuit Court of Cook County, Illinois, appointed Plaintiff, Nayeli Delgado-Gutierrez, Special Administrator of the above-referenced estate. *See June 2, 2015, Order, attached hereto as Exhibit A.*

2. The Plaintiff and Defendants, Professional, United, Burrell, and Seeboth, have recently resolved this case by settlement, which needs to be approved by this Court.
3. The Plaintiff entered into a settlement agreement with the Defendants (Professional, United, Burrell, and Seeboth) in the amount of \$6,250,000.00. Of this amount, \$2,083,333.33 is attributable to attorneys' fees and \$30,420.13 is attributable to attorneys' costs and expenses. There are no liens against this case. *See Statement of Settlement, attached hereto as Exhibit B.*
4. The decedent, Carlos Garcia, was unmarried on the date of his death and left five (5) surviving children, all of whom are minors: Carlos Yahir Garcia, Samantha Garcia Delgado, Edward Garcia Delgado, Karla Garcia Delgado, and Nayeli Garcia Delgado. These are the only surviving heirs entitled to receive the net proceeds of this action, which total \$4,136,246.54.
5. The Plaintiff, Nayeli Delgado-Gutierrez, the mother of all five (5) surviving heirs, has proposed distribution of the settlement proceeds in equal shares based upon the loss of society each child sustained. *See Affidavit of Nayeli Delgado-Gutierrez, attached hereto as Exhibit C.*
6. As each recovering beneficiary is a minor, all proceeds distributable amongst them will be held in Plaintiff's counsel's client trust account pending approval and oversight by the Probate Court of Cook County, Illinois.

WHEREFORE, the Plaintiff respectfully prays that this Court approve the settlement and distribution of settlement proceeds as set forth herein, order Nayeli Delgado-Gutierrez, as Special Administrator of the Estate of Carlos Garcia, to execute any and all settlement documents and releases, and dismiss this matter pursuant to settlement with prejudice.

Respectfully submitted,

By: /s/John A. Stefani

John A. Stefani

Levinson and Stefani
Attorneys for Plaintiff
230 West Monroe Street, Suite 2210
Chicago, Illinois 60606
(312) 376-3812
ARDC No. 6284062
jay@levinsonstefani.com